

FINAL		RI Mercury Reduction Commission 7/23/2004 10:00 AM to 12:00 PM RI DEM Conference Room A in Providence RI	
Type of meeting:	Meeting #3		Note: Open Action Items Summarized On Last Two Pages
Attendees:	Commission Members Present: Marcella Thompson (Chair), Sheila Dormody, Ron Gagnon (for Terrance Gray), Susan Kaplan (for Michael McMahon), Andrew Knapp, Jason Linnel (by telephone), Jamie Magnani (for Dan Beardsley), Robert Vanderslice (for Patrician Nolan), Howard Rosenberg, and Claude Cote (for Sherry Mulhearn).  Commission Members Excused: Peter Bleasby, Kate Canada, Susan Kaplan (for Michael McMahon), Terrance Gray, Eugenia Marks  Commission Members Absent: Nicholas Tsiongas  Commission’s Keeper of the Notes: Elizabeth Stone  Guests: Paul D’Adamo		
----- Agenda Topics -----			
Agenda Review & Approval of Meeting Minutes Amendment to Meeting Rules			1 of 8 pages
	Discussion:		
	Call to order by Chair Marcella Thompson at 10:15 am. Reviews meeting agenda. Under Old Business there is one deletion in the disposal ban section regarding exemption of specialty films; the Commission decided at the last meeting to discuss under the phase-out section.  Chair Thompson entertains a motion to approve the June meeting minutes. Minutes are “unofficially” approved because there wasn’t a quorum present. (A quorum is finally present later in the meeting and those present vote unanimously to approve the meeting minutes without change).  Chair Thompson entertains a motion to discuss and vote on how the commission would like to handle the issue of members calling in (via speaker phone) to participate in a meeting. Commission members agrees that this is an acceptable practice and that when circumstances are unusual, members shall be allowed to participate via speakerphone with the permission of the Chair.  Commission member Jason Linnell joins the meeting by telephone at 10:55 am.		
	Conclusions:		
	Commission voted unanimously to accept June meeting minutes.  Commission voted unanimously to accept members calling-in with the permission of the Chair.		
	Action items:	Person responsible:	Deadline:
	Compose July meeting minutes, distribute electronically and address feedback comments with the commission members.	E. Stone and M. Thompson	10Aug04
	Post final June meeting minutes on website	E. Stone	10Aug04

Discussion on labeling provisions/requirements is re-opened. The commission discusses the proposed requirement that companies needing to comply with labeling requirements in other states already have mercury-added product labeling. Discussion about the proper way to craft language such that an inadvertent loophole is not created. Commission members agree that the proposal before the commission is acceptable as is and that the specifics of this requirement shall be addressed through regulation specifics.

ADD to (2) new paragraph 2 to read: **The manufacturer of a mercury-added product is in compliance with the requirements of this subsection if the manufacturer is in compliance with the labeling requirements of another state.**

Continue discussion of removing labeling exemption for products whose only mercury component is a mercury-added lamp. Specifically, labeling the product vs. putting information in instruction/user manuals. Claude Cote from RIRRC prefers to strive for consistency in whatever is decided. Neither Peter Bleasby nor Jason Linnell liked the requirement for putting information on product packaging or on the product since lamps are already labeled. ~~Commission does not reach consensus to remove the mercury added lamp exemption from the labeling section:~~

CHANGE: (3) paragraph 2 to read: This subsection does not apply to ~~mercury-added lamps~~, mercury-added button cell batteries and products whose only mercury component is a mercury button cell battery or a mercury-added lamp.

~~ADD to (3) paragraph 2 to read: In lieu of a label for consumer electronics where a lamp is used for backlighting, this information may be placed in enclosed instructions (where already provided) for products whose only mercury component is a mercury added lamp.~~

#### Conclusions:

Commission agrees by consensus to change (2) paragraph 2 as stated above.

~~Commission decides to remove labeling exemption of products whose only mercury component is a mercury added lamp and allows information in enclosed instructions:~~

#### Action items:

Person responsible:

Deadline:

Review wording for consistency with other states' regulations

Linnell, Bleasby

16Aug04

Determine whether companies are able to comply by 7/01/05

## Continuing Discussion of 23-24.9-9 and -10

### Disposal Ban and Collection

Chair Thompson re-opens discussion of sections stayed under July 9, 2003: 23-24.9-9: Disposal Bans and 23-24.9-10: Collection, specifically, (c) This section shall not apply to: (1) anyone who disposes of a mercury-added button cell battery; (2) mercury-added components as contained in motor vehicles; and (3) households disposing of lamps and products containing lamps.

Discussion ensues regarding household consumers:

What consumer products contain mercury? Ron Gagnon discusses the household hazardous waste exemption with regard to federal regulations on hazardous waste (which does exist). Small businesses are not exempt – they're treated the same as large businesses. How much mercury-added waste is produced by RI households? NJ recently completed a study/survey looking at sources of mercury in the environment. Claude Cote from RIRRC noted that the Corporation has no idea or way of knowing how much mercury-added waste is being produced by RI residents.

Discussion of compliance with recycling requirements in Rhode Island:

Andrew Knapp raises the issue of why recycling rates in RI are so low as compared to other states? (16% average compliance statewide according to RIRRC). Recycling rates vary by community. There is a need for more public education to increase recycling rates and a need to clarify who is responsible financially for the recycling of mercury-added products. Jason Linnell objects to holding the producer responsible. Debate ensues about the pros and cons of producer responsibility. Chair Thompson acknowledges this is a very complicated issue – she notes an interest in keeping the onus on the end-user and focus on this group first, particularly because the consumer generates such a small amount of mercury waste. Certainly, more specifics are needed in order to make an informed decision.

Discussion about RI RRC's operations:

Claude Cote explains RI RRC spends approximately \$500,000 annually to run the Eco-Depot and \$250,000 to recycle consumer electronics. RIRRC objects to having to fund a mercury take back program out of its current operating budget. This discussion revolves around budgeted vs. non-budgeted money and the cost associated with handling these types of mercury added products at the end of their useful life. RIRRC is willing to take these types of products from manufacturers

and run a recycling program; however, they won't do it voluntarily. Manufacturers would have to pay RIRRC to be the state repository for these products. Chair Thompson asks Claude Cote to provide actual amounts and costs regarding consumer mercury collection and disposal operations.

Discussion about voluntary collection programs:

Bob Vanderslice asks for RI RRC's position on taking mercury from communities that run voluntary mercury collection programs similar to the collections DOH has already operated. RIRRC indicated strongly its reluctance to continue serving as the only disposal option in the state. He mentions that DEM had discussed the possibility of entering into a Supplemental Environmental Project (SEP) to cover this type of disposal. However, discussions have not come to fruition and no SEP has ever been finalized.

The discussion is concluded prematurely because Claude Cote has to leave the meeting.

**Conclusions:**

**More detailed input from RI RRC and RI DEM is needed in order for Commission to make informed decisions.,**

<b>Action items:</b>	<b>Person responsible:</b>	<b>Deadline:</b>
Provide qualitative and quantitative information for the following questions:  How many mercury pounds were collected by RI RRC last year? How much does a lab pack cost to properly dispose of and how much does it weigh?  What kinds/forms of mercury were contained in these lab packs?  Provide flow chart mapping what happens to all the mercury that comes into RI RRC. How is it handled at the facility, how does it leave the facility and where does it end up? How much is actually brought to the facility in the last three years and how much does it cost to dispose of it properly?	C. Cote	20Aug04
Recommend policy/procedure for appropriate collection of mercury-added products on the state level and define role of RI RRC.	T. Gray, R. Vanderslice	20Aug04
Locate copy of MOU that was signed between DEM and RIRRC for the transfer of the Household Hazardous Waste facility from RI DEM to RIRRC.	E. Stone	
Identify and provide information on existing mercury-related collection efforts inside and outside of RI and their capabilities/capacities.	T. Gray	20Aug04
Provide information as to the compliance with federal and state hazardous waste regulations in RI among businesses and manufacturers.		

## Old Business: Mercury in Motor Vehicles

4 of 8 pages

**Discussion.** Chair Thompson reviews minutes from June meeting regarding mercury in auto parts. She notes that she hasn't received any information from the Alliance of Automobile Manufacturers as promised by Jack Hogan at the June meeting and asks Paul D'Adamo from the Auto Recyclers Association to provide the Commission information on the impact mercury added auto parts has on auto recyclers. She indicates the Commission needs to decide what to do with the car exemption in the law:

After brief discussion, Chair Thompson establishes a separate subcommittee to examine this issue and produce a fair and balanced report/viewpoint on the topic of mercury in cars. Commission member Sheila Dormody is asked to chair this particular subcommittee. She accepts this appointment and will contact other Commission members to assist.

### Conclusions:

There is sufficient need to establish a subcommittee on motor vehicles

### Action items:

	Person responsible:	Deadline:
Obtain more detailed logistical and economic information re Maine's program	S. Dormody	23Jul04
Establish Motor Vehicle Subcommittee		20Aug04
Provide a fair and balanced report on the topic of mercury in cars for Commission review.		24Sep04

## New Business: Background Preparation of Final Commission Report

**Discussion:** In accordance with 23-24.9-2.1, the Commission must file a final commission report by January 1. Since the mandate includes much information, Chair Thompson requests assistance and participation from all Commission members in reviewing and summarizing information the legislature has requested in a "white paper" format that will form the basis of the Commission's recommendations and final Commission report. Chair Thompson requests Elizabeth Stone and other RI DEM staff to assist when and where possible. Reports should be balanced and highlight what "good" work has already been done in the area of controlling mercury pollution as well as that which needs to be done. Outlines are due at the August meeting with an expectation they'll be finalized in September (when interim report is due). Final report is due in January.

### Conclusions:

The Commission needs to work in small groups to produce a "white paper" type summary on the various topics noted specifically in the law.

It has been noted that there is attrition in the Commission's membership: Kate Canada has left her position; Peter Bleasby will retire in October; Susan Kaplan (for Mike McMahon) is on MLOA; Nick Tsiongas is unavailable until January 2005.

### Action items:

	Person responsible:	Deadline:
Contact RI Gov's office regarding Commission membership.	M. Thompson	20Aug04
Review assignments and OUTLINE sections; be ready to discuss at August/September meetings.	ALL	
1. Identify current and projected sources of mercury hazards;	1. Vanderslice, RI DEM staff (E. Stone)	
2. Evaluate programs and efforts to reduce the sources in a cost-effective and efficient manner that does not place RI at a disadvantage;	2. Knapp, Rosenberg, RI DEM staff (R. Gagnon)	
3. Build upon effective efforts in other states and achieve a consistency with other states in terms of approach and timing of implementation;	3. Linell, RI DEM staff (B. Migliore)	
4. Availability and effectiveness to consumers and the public of programs for disposal and recycling;	4. Gray, Cote, Magnani	
5. Availability and effectiveness to consumers and the public of programs for education.	5. E. Marks, RI DEM	
RI DEM staff to assist subgroups with information and whatever else is needed.	T. Gray	Ongoing
Provide qualitative and quantitative information for the questions listed above.	ALL	Ongoing

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**Preliminary Agenda for August 20, 2004 at  
DEM Headquarters**

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**Discussion:** Focus will be on September Commission Report to Governor.

**Conclusions:**

**Action items:**

Draft September Commission Report for Commission's review at the August meeting. This will be the focus of the meeting.

Submit recommendations for agenda to Chair.

Establish August agenda.

Post as required by law.

Forward comments, suggestions and information to Chair Thompson  
([Marcy\\_Thompson1@yahoo.com](mailto:Marcy_Thompson1@yahoo.com)) **Please note new email address.**

Person responsible:

M. Thompson

ALL

M. Thompson

M. Thompson

E. Stone

ALL

Deadline:

20Aug04

10Aug04

10Aug04

10Aug04

10Aug04

**Adjournment**

Chair Thompson adjourned the meeting at approximately 11:55 am.

Recorded by Elizabeth S. Stone of RI DEM

Reviewed and Edited by Marcella R. Thompson, Chair

## Status of All Open Action Items from May Meeting

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Action Item:	Person responsible:	Deadline:
<del>E-mail updated roster to all Commission members.</del>	<del>M. Thompson</del>	<del>DONE</del>
<del>RI DEM to reserve meeting room and computer projector for the meeting calendar dates</del>	<del>E. Stone</del>	<del>DONE</del>
<del>Compose May meeting minutes, distribute electronically and address feedback comments with the commission members.</del>	<del>E. Stone and M. Thompson</del>	<del>DONE</del>
<del>Setup motion/vote for approving the final draft of meeting minutes</del>	<del>M. Thompson</del>	<del>DONE</del>
<del>Post approved May meeting minutes on website</del>	<del>E. Stone</del>	<del>OPEN</del>
<del>RIDEM to contact RI hospitals and Soap &amp; Detergent Manufacturers regarding the level of their satisfaction with language adopted.</del>	<del>T. Gray</del>	<del>DONE</del>
<del>Review wording from other states for adoption into RIGL 23-249-8.</del>	<del>ALL</del>	<del>DONE</del>
<del>Decide whether warning in enclosed instructions (where already provided) is acceptable for products whose only mercury component is a mercury-added lamp.</del>	<del>ALL</del>	<del>DONE</del>
Provide qualitative and quantitative information regarding the following: How much mercury waste do households generate? (15 - 30%) Quantify. How much household hazardous waste ends up in the landfill? (Need NJ Data)	ALL	OPEN
What percentage of households comply with existing recycling requirements (for other products)? (RI RRC to provide)	RI RRC	
Is possible decision not to exempt household consumers reasonably enforceable? How to address this issue?		
Recommend policy/procedure for appropriate collection of mercury-added products on the state level and define role of RI RRC.	T. Gray, R. Vanderslice	OPEN
Provide information on all existing mercury-related collection efforts inside and outside of RI.	ALL	OPEN
<del>Add periodic review of the regulatory calendar issue to monthly agenda</del>	<del>M. Thompson</del>	<del>DONE</del>
<del>Submit recommendations for agenda to Chair.</del>	<del>ALL</del>	<del>DONE</del>
<del>Establish June agenda.</del>	<del>M. Thompson</del>	<del>DONE</del>
<del>Post as required by law.</del>	<del>E. Stone</del>	<del>DONE</del>
<del>Contact RI RRC regarding importance of their attendance at meetings.</del>	<del>M. Thompson</del>	<del>DONE</del>

## Status of All Open Action Items from June Meeting

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Action Item:	Person responsible:	Deadline:
<del>Compose June meeting minutes, distribute electronically and address feedback comments with the commission members.</del>	<del>M. Thompson</del> <del>E. Stone</del>	<del>DONE</del>
<del>Submit additional wording to use in new (2) paragraph 2</del>	<del>ALL</del>	<del>7/16/04</del>
<del>Decide whether labeling exemption should include products whose only mercury component is a mercury added lamp.</del>	<del>ALL</del>	<del>7/16/04</del>
<del>How are other states addressing this issue?</del>		
Provide qualitative and quantitative information for the questions listed on page 4 of June's meeting minutes.	ALL	7/16/04
Decide whether households should be exempt from the disposal ban (policy)		
Decide whether or not to attach violation for non-compliance by household consumers.		
Prepare to discuss motor vehicle disposal ban.	ALL	
Obtain more detailed logistical and economic information re Maine's program	Dormody	
Diagram of car anatomy pointing to various parts that contain mercury.	Hogan	
Prepare a written presentation representing the Alliance's position on this issue. Forward to Chair Thompson as soon as possible.	Hogan, D'Adamo	
<del>Ensure attendance and participation of RI RRC at Commission meetings.</del>	<del>M. Thompson</del>	<del>DONE</del>
Submit additional pertinent questions and requests for mercury-related data to Chair.	ALL	7/10/04
Provide qualitative and quantitative information for the questions listed on page 5 of June meeting minutes.	ALL	7/16/04
How much mercury is currently in the RI environment (air, water, soil, sentinel species)?		
What are the sources of mercury (international/ interstate/regional/intrastate)?		
What are the contributing percentage(s) from these sources?		
What is the time life cycle for mercury in the environment?		
How much of an effect will this legislation have on reducing environmental mercury? Timeline?		
What are the systems relationship between the sources of mercury and total impact on environment and health?		
What manufacturers have voluntarily phased out mercury?		
What is the dose/response relationship of mercury exposure?		
Provide inventory of mercury emissions in RI.		
Summarize what levels other states/countries are phasing out and/or exempting.		
What does the NEWMOA registry reflect for mercury amounts in products?		
<del>Submit recommendations for July agenda to Chair.</del>	<del>ALL</del>	<del>DONE</del>
Establish July agenda.	M. Thompson	
Post as required by law.	E. Stone	

## Status of All Open Action Items from July Meeting

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Action Item:	Person responsible:	Deadline:
Compose July meeting minutes, distribute electronically and address feedback comments with the commission members-	M. Thompson E. Stone	10Aug04
Draft September Commission Report for Commission's review at the August meeting.	M. Thompson	20Aug04
Contact RI Gov's office regarding Commission membership.		
Review assignments and OUTLINE sections; be ready to discuss at August/September meetings.		20Aug04
1. Identify current and projected sources of mercury hazards;	1. Vanderslice, RI DEM staff (E. Stone)	
2. Evaluate programs and efforts to reduce the sources in a cost-effective and efficient manner that does not place RI at a disadvantage;	2. Knapp, Rosenberg, RI DEM staff (R. Gagnon)	
3. Build upon effective efforts in other states and achieve a consistency with other states in terms of approach and timing of implementation;	3. Linell, RI DEM staff (B. Migliore)	
4. Availability and effectiveness to consumers and the public of programs for disposal and recycling;	4. Gray, Cote, Magnani	
5. Availability and effectiveness to consumers and the public of programs for education.	5. Marks, RI DEM	
RI DEM staff to assist subgroups with information and whatever else is needed.	T. Gray	
Provide qualitative and quantitative information for the questions listed above.	ALL	ONGOING
Establish Motor Vehicle Subcommittee	S. Dormody	20Jul04
Prepare balanced report for Commission review in September/October.		Sep/Oct 04
Review labeling wording regarding consumer products containing mercury-added lamps for consistency with other states' regulations	Linnell, Bleasby	20Aug04
Determine whether companies are able to comply by 7/01/05		
Provide qualitative and quantitative information for the following questions:	C. Cote	20Aug04
How many mercury pounds were collected by RI RRC last year? How much does a lab pack cost to properly dispose of and how much does it weigh?		
What kinds/forms of mercury were contained in these lab packs?		
Provide flow chart mapping what happens to all the mercury that comes into RI RRC. How is it handled at the facility, how does it leave the facility and where does it end up? How much is actually brought to the facility in the last three years and how much does it cost to dispose of it properly?		
Recommend policy/procedure for appropriate collection of mercury-added products on the state level and define role of RI RRC.	T. Gray, R. Vanderslice	20Aug04
Locate copy of MOU that was signed between DEM and RIRRC for the transfer of the Household Hazardous Waste facility from RI DEM to RIRRC.	E. Stone	
Identify and provide information on existing mercury-related collection efforts inside and outside of RI and their capabilities/capacities.	T. Gray	20Aug0
Provide information as to the compliance with federal and state hazardous waste regulations in RI among businesses and manufacturers.		
Establish August agenda.	M. Thompson	10Aug04
Post as required by law.	E. Stone	10Aug04

END